

wavelength of 436 nm, an i-line with a wavelength of 365 nm, and a KrF excimer laser with a wavelength of 248 nm have been adopted as exposure light sources for lithography used in the manufacture of a semiconductor. Thus, the wavelength has become shorter year by year. An ArF excimer laser having a wavelength of 193 nm is considered to be promising as a next-generation exposure light source.--

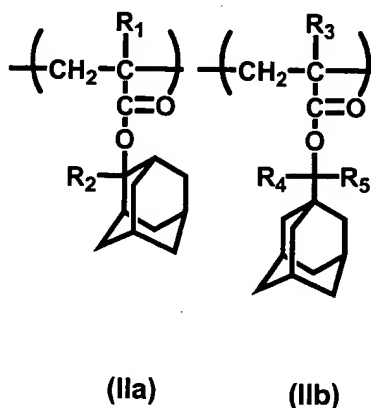
IN THE CLAIMS:

Please cancel claim 4 without prejudice or disclaimer of the subject matter contained therein.

Please amend the claims as follows:

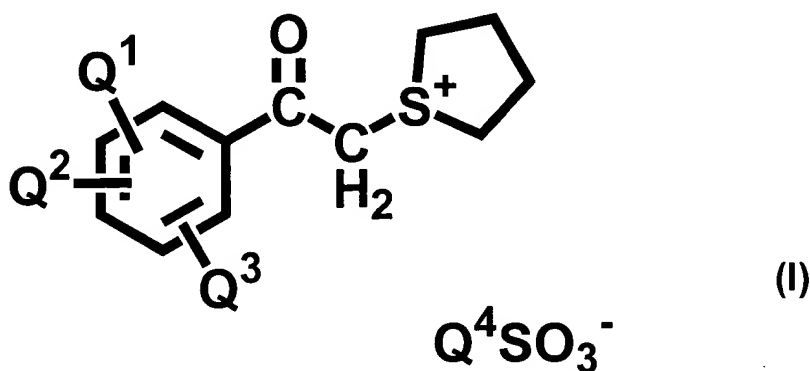
1. A chemically amplifying type positive resist composition comprising

(A) a resin which has at least one polymerization unit selected from those represented by the following formula (IIa) or (IIb):



wherein  $R_1$  and  $R_3$  represent hydrogen or methyl, and  $R_2$ ,  $R_4$  and  $R_5$  represent alkyl; and which, per se, is insoluble or slightly soluble in alkali but becomes soluble in alkali by the action of an acid; and

(B) a sulfonium salt acid generating agent represented by the following formula (I):



wherein  $Q^1$ ,  $Q^2$  and  $Q^3$  independently represent hydrogen, hydroxyl, alkyl having 1 to 6 carbon atoms or alkoxy having 1 to 6 carbon atoms; and  $Q^4$  represents perfluoroalkyl which may have a cyclic structure.

6. The positive resist composition according to claim 1 wherein 20% by mole or more of the polymerization unit of the resin is represented by the formulae (IIa) or (IIb).

Please add the following claims:

--7. The positive resist composition according to claim 1 wherein the polymerization unit of the resin is represented by the formulae (IIa).

8. The positive resist composition according to claim 1 wherein  $R_2$  represents alkyl having one to eight carbon atoms.

9. The positive resist composition according to claim 1 wherein  $R_2$  represents a member selected from the group consisting of methyl, ethyl, propyl, isopropyl and butyl.

10. The positive resist composition according to claim 1 wherein  $R_2$  represents ethyl.

11. The positive resist composition according to claim 1 wherein the polymerization unit of the resin is represented by the formulae (IIb).--

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